REMARKS

The Examiner maintains that the claim language "without a plug-in or a helper application" does not meet the requirements of 35 U.S.C. 101 and 112, second paragraph. Applicant respectfully traverses the Examiner's position.

The Examiner states that he does not find a condition wherein a client browser such as Netscape or Windows or AOL may or may not need a plug-in. The claim recites that a plug-in is never needed (i.e., "without a plug-in"). Thus, there should be no confusion.

This feature is clearly supported and discussed on page 3, 17 and other locations in the specification. The Examiner cites TRUONG, which has a similar claim limitation. Thus, clearly, the applicant's own specification and TRUONG indicate that one skilled in the art understands the meaning of this limitation. Nevertheless, applicant has deleted the limitation from the independent claims to simplify prosecution issues and in view of the fact that the remaining limitations in the claim serve to fully distinguish the invention over the prior art of record. Since TRUONG is cited in connection with the "plug-in" limitation and that limitation is no longer of record, attention turns to the BURNS reference.

With respect to independent claim 21, the Examiner appears to equate the ISP of BURNS with the claimed real-time server. In addition, the Examiner appears to equate the ISP with the claimed web server. A single element in BURNS cannot be equivalent to the separate elements of a real-time server and a web server, as recited in claim 21.

Claim 21 also requires that the web server request "said real-time server to access said streaming video or audio data from at least one remote server". Once again, it appears that the Examiner equates the remote server with the ISP of BURNS. The ISP of BURNS does not operate as or otherwise show or suggest the three distinctly claimed elements including a real-time server, a web server and a remote server.

BURNS is directed toward pre-caching and pre-loading frequently requested content at an ISP (see, e.g., column 4, lines 30-33). When the content is finally requested, the data is streamed continuously in real-time for just-in-time rendering at the subscriber (see, e.g., column 4, lines 37-40). Thus, BURNS stores content before it is requested. Afterwards, BURNS streams the content.

In contrast, claim 21 recites a real-time server for accessing streaming data. Claim 21 further recites that a web server receives streaming content requests from browser clients. In

response to the requests, the web server requests the real-time server to access streaming content from at least one remote server. The web server then routes the streaming content to browser clients. BURNS does not show or suggest a remotely analogous technique.

Thus, claim 21 should be in a condition for allowance. Claims 22-26 are dependent upon claim 21 and therefore should also be in a condition for allowance. Independent claim 27 includes limitations of the type discussed in connection with claim 21. Therefore, claim 27 and its dependent claims 28-30 should also be in a condition for allowance. Similarly, independent claim 31 includes limitations of the type discussed in connection with claim 21. Therefore, claim 21 should also be in a condition for allowance.

Applicant submits herewith a terminal disclaimer to overcome the double patenting rejection.

In sum, all claims should now be in a condition for allowance. If there are any residual issues that need to be resolved with a telephone call, the Examiner is requested to contact the undersigned.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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